



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

via UPS

NOV 17 2016

Robert Baltzer, Quality Manager  
Brenner Aerostructures  
450 Winks Lane, Suite 3  
Bensalem, PA 19020

Re: Request for Information Pursuant to Section 3007(a) of the Resource Conservation and Recovery Act, 42 U.S.C. § 6927(a), Regarding Generation and Management of Hazardous Waste by Brenner Aerostructures  
EPA ID No. PAR000519751  
**Reference Number: C17-004**

Dear Mr. Baltzer:

The U.S. Environmental Protection Agency, Region III ("EPA") is requesting to supplement the information obtained during its inspection of the Brenner Aerostructures facility ("Brenner" or "the facility") located in Bensalem, PA on September 21, 2016 (report narrative and photographic log enclosed). EPA is requesting this information pursuant to the authority granted to it under Section 3007(a) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6927(a), which provides in relevant part that "any person who generates, stores, treats, transports, disposes of, or otherwise handles or has handled hazardous wastes shall, upon request of any officer, employee or representative of the Environmental Protection Agency, duly designated by the Administrator, . . . furnish information relating to such wastes . . . ." EPA hereby requires that you furnish to EPA, within **thirty (30) calendar days** of receipt of this letter, the information requested below, including all documents responsive to such request.

For each and every request, if you have any reason to believe that there may be a person(s) who may be able to provide a more detailed or complete response to such request or provide additional responsive documents, then as a part of your response to such request, identify each such person and the additional information or documents which such person may be able to provide. Furthermore, for each and every response, if information or documents responsive to such request are not in your possession, custody or control, then as part of your response to such request, identify each person from whom such information or documents may be obtained.

Please provide a separate narrative response to each information request. Precede each answer with the number of the question or letter of the subpart of the request to which it corresponds. A request for documents shall be construed as a request for any and all documents

maintained by you or in your custody, control, or possession or in the possession, custody or control of any of your employees or agents, relating to the matters described below. All copies of documents submitted to EPA in response to the following requests must be complete and legible.

As used herein, the term "document" means: writings (handwritten, typed or otherwise produced or reproduced) and includes, but is not limited to, any invoices, checks, receipts, bills of lading, weight receipts, toll receipts, correspondence, offers, contracts, agreements, deeds, leases, manifests, licenses, permits, bids, proposals, policies of insurance, logs, books of original entry, minutes of meetings, memoranda, notes, calendar or daily entries, agendas, bulletins, notices, announcements, charts, maps, photographs, drawings, manuals, brochures, reports of scientific study or investigation, schedules, price lists, telegrams, teletypes, phonograph records, magnetic voice or video records, tapes, summaries, magnetic tapes, punch cards, recordings, discs, computer print outs, or other data compilations from which information can be obtained or translated.

All other terms used in this request for information that are defined in RCRA, 42 U.S.C. §§ 6901 *et seq.*, 40 C.F.R. Parts 260-266, 268, and 273 (1998 ed.), or 25 Pa. Code Chapters 260a-266a, 266b, and 268a (effective May 1, 1999) shall have the meanings set forth therein.

Please provide the information requested below:

#### Information Request

1. At the time of the inspection several boxes and containers were found on a spill pallet in the facility's Less-Than-90-Day Hazardous Waste (HW) Storage Area (see Photographs 5 through 7 in enclosed inspection report). Regarding **each** of the containers found on this pallet, please provide the following:
  - a. A description of its source
  - b. Its date(s) of generation
  - c. State whether a "waste determination" and "LDR determination" has been made for the material
  - d. If a "waste determination" and "LDR determination" has been made, state when such a determination(s) was made and the results of such determination(s)
  - e. If the material has been determined to be "hazardous waste," please state the specific EPA Hazardous Waste Code(s) associated with each such hazardous waste. If it has been determined not to be hazardous waste, explain the reasons for such determination.
  - f. State whether any hazardous waste determination made for such waste was based on the generator's knowledge of the process that generated the waste, or upon



analytic results. If a determination was made on the basis of process knowledge, describe the scientific rationale for such a determination. If the determination was based on analytical results, describe the sampling procedures and provide copies of any and all such results.

- g. Please state if the material has been shipped off-site and the date and method of such shipment(s). If it has not been shipped off-site, state its current location and explain why it has not been shipped off-site.
  - h. If the material was shipped off-site, provide copies of all bills of lading, manifests (including but not limited to hazardous waste manifests), shipping invoices, and LDR notices and certifications that accompanied and/or refer to each off-site shipment of this waste.
2. Also found in this area were the following:
- i) One 55gal drum labeled as HW "Huntsman Epocast 938-A2 (tubes) PRC-Desoto PR-1776 M B-2 (semi-kit packs)," dated 3/1/16 and approximately 4/5 full (Photos 8-10),
  - ii) One 5gal container with an open bung hole, with an original product label of "Methyl Ethyl Ketone M.E.K." as well as a non-HW label marked "Unknown waste found near stretch press" (Photos 11-13), and
  - iii) One 5gal bucket found on the curb of the containment area with an original product label of "AC-807 Repair Coat," a "Flammable Liquid" sticker, and a smaller label stating that the expiration date was "12/15" (Photos 18-20).
- Regarding each container described in i)-iii) above, please provide the following information:
- a. A description of its source
  - b. Its date(s) of generation
  - c. State whether a "waste determination" and "LDR determination" has been made for the material
  - d. If a "waste determination" and "LDR determination" has been made, state when such a determination(s) was made and the results of such determination(s)
  - e. If the material has been determined to be "hazardous waste," please state the specific EPA Hazardous Waste Code(s) associated with each such hazardous waste. If it has been determined not to be hazardous waste, explain the reasons for such determination.
  - f. State whether any hazardous waste determination made for such waste was based on the generator's knowledge of the process that generated the waste, or upon analytic results. If a determination was made on the basis of process knowledge, describe the scientific rationale for such a determination. If the determination was based on analytical results, describe the sampling procedures and provide copies

of any and all such results.

- g. Please state if the material has been shipped off-site and the date and method of such shipment(s). If it has not been shipped off-site, state its current location and explain why it has not been shipped off-site.
  - h. If the material was shipped off-site, provide copies of all bills of lading, manifests (including but not limited to hazardous waste manifests), shipping invoices, and LDR notices and certifications that accompanied and/or refer to each off-site shipment of this waste.
- 3. In the facility's Paint Area several one gallon and pint cans were found on top of two 55gal drums (Photos 26 - 28). For each of these containers, please provide the following:
  - a. A description of its source
  - b. Its date(s) of generation
  - c. State whether a "waste determination" and "LDR determination" has been made for the material
  - d. If a "waste determination" and "LDR determination" has been made, state when such a determination(s) was made and the results of such determination(s)
  - e. If the material has been determined to be "hazardous waste," please state the specific EPA Hazardous Waste Code(s) associated with each such hazardous waste. If it has been determined not to be hazardous waste, explain the reasons for such determination.
  - f. State whether any hazardous waste determination made for such waste was based on the generator's knowledge of the process that generated the waste, or upon analytic results. If a determination was made on the basis of process knowledge, describe the scientific rationale for such a determination. If the determination was based on analytical results, describe the sampling procedures and provide copies of any and all such results.
  - g. Please state if the material has been shipped off-site and the date and method of such shipment(s). If it has not been shipped off-site, state its current location and explain why it has not been shipped off-site.
  - h. If the material was shipped off-site, provide copies of all bills of lading, manifests (including but not limited to hazardous waste manifests), shipping invoices, and LDR notices and certifications that accompanied and/or refer to each off-site shipment of this waste.



4. Next to the facility's PAA wastewater treatment system, a 6,400gal tank was observed, labeled as "Acid Waste" and containing about two feet of liquid (Photo 38). Regarding this tank, please provide the following information as of the date of the inspection:
- a. A description of its contents
  - b. The volume of material in the tank at the time of inspection
  - c. State whether a "waste determination" and "LDR determination" has been made for the material
  - d. If a "waste determination" and "LDR determination" has been made, state when such a determination(s) was made and the results of such determination(s)
  - e. If the material has been determined to be "hazardous waste," please state the specific EPA Hazardous Waste Code(s) associated with each such hazardous waste. If it has been determined not to be hazardous waste, explain the reasons for such determination.
  - f. State whether any hazardous waste determination made for such material was based on the generator's knowledge of the process that generated the material, or upon analytic results. If a determination was made on the basis of process knowledge, describe the scientific rationale for such a determination. If the determination was based on analytical results, describe the sampling procedures and provide copies of any and all such results.
  - g. Please state if the material has been shipped off-site and the date and method of such shipment(s). If it has not been shipped off-site, state its current location and explain why it has not been shipped off-site.
  - h. If the material was shipped off-site, provide copies of all bills of lading, manifests (including but not limited to hazardous waste manifests), shipping invoices, and LDR notices and certifications that accompanied and/or refer to each off-site shipment of this material.

Regarding the tank itself, please provide the following:

- i. Its date of installation.
- j. If it is an "existing tank system" as defined in 40 C.F.R. § 260.10, has the facility conducted an assessment of its integrity as described in 40 C.F.R. § 265.191? If so, please state the date this assessment was completed and provide a copy of the assessment.

- k. If it is a "new tank system" as defined in 40 C.F.R. § 260.10, has the facility certified its design as described in 40 C.F.R. § 265.192(g)? If so, please state the date this certification was completed and provide a copy of the certification.
  - l. Please state whether or not the facility has provided methods for secondary containment and release detection for the tank in accordance with 40 C.F.R. § 265.193. If it has, please state the date(s) these methods were first provided and a detailed description of each method.
  - m. Please provide copies of all daily inspections the facility has conducted for this tank, in accordance with 40 C.F.R. § 265.195, for the period of December 1, 2011 up to the date of your receipt of this letter.
5. In the area of the facility's Chemical Milling Line, a floor sump containing standing liquid was observed next to Tank #1 (Photos 42 & 43). Regarding this sump, please provide the following information as of the date of the inspection:
- a. A description of its contents
  - b. The volume of material in the sump at the time of inspection
  - c. State whether a "waste determination" and "LDR determination" has been made for the material
  - d. If a "waste determination" and "LDR determination" has been made, state when such a determination(s) was made and the results of such determination(s)
  - e. If the material has been determined to be "hazardous waste," please state the specific EPA Hazardous Waste Code(s) associated with each such hazardous waste. If it has been determined not to be hazardous waste, explain the reasons for such determination.
  - f. State whether any hazardous waste determination made for such material was based on the generator's knowledge of the process that generated the material, or upon analytic results. If a determination was made on the basis of process knowledge, describe the scientific rationale for such a determination. If the determination was based on analytical results, describe the sampling procedures and provide copies of any and all such results.
  - g. Please state if the material has been shipped off-site and the date and method of such shipment(s). If it has not been shipped off-site, state its current location and explain why it has not been shipped off-site.
  - h. If the material was shipped off-site, provide copies of all bills of lading, manifests (including but not limited to hazardous waste manifests), shipping invoices, and LDR notices and certifications that accompanied and/or refer to each off-site



shipment of this material.

Regarding the sump itself, please provide the following:

- i. Its date of installation.
  - j. If it is an "existing tank system" as defined in 40 C.F.R. § 260.10, has the facility conducted an assessment of its integrity as described in 40 C.F.R. § 265.191? If so, please state the date this assessment was completed and provide a copy of the assessment.
  - k. If it is a "new tank system" as defined in 40 C.F.R. § 260.10, has the facility certified its design as described in 40 C.F.R. § 265.192(g)? If so, please state the date this certification was completed and provide a copy of the certification.
  - l. Please state whether or not the facility has provided methods for secondary containment and release detection for the sump in accordance with 40 C.F.R. § 265.193. If it has, please state the date(s) these methods were first provided and a detailed description of each method.
  - m. Please provide copies of all daily inspections the facility has conducted for this sump, in accordance with 40 C.F.R. §265.195, for the period of December 1, 2011 up to the date of your receipt of this letter.
6. Near the facility's Chem Mill wastewater treatment system, a full 300gal plastic tote was observed, labeled as HW "CML Waste" and dated 7/13/16 (Photos 48 & 49). Another 300gal plastic tote was also observed in this area, dated 1/2016, and labeled as non-HW "Scrubber waste to be processed" (Photos 50 & 51). Regarding each of these totes, please provide the following:
- a. A description of its source
  - b. Its date(s) of generation
  - c. State whether a "waste determination" and "LDR determination" has been made for the material
  - d. If a "waste determination" and "LDR determination" has been made, state when such a determination(s) was made and the results of such determination(s)
  - e. If the material has been determined to be "hazardous waste," please state the specific EPA Hazardous Waste Code(s) associated with each such hazardous waste. If it has been determined not to be hazardous waste, explain the reasons for such determination.
  - f. State whether any hazardous waste determination made for such waste was based

on the generator's knowledge of the process that generated the waste, or upon analytic results. If a determination was made on the basis of process knowledge, describe the scientific rationale for such a determination. If the determination was based on analytical results, describe the sampling procedures and provide copies of any and all such results.

- g. Please state if the material has been shipped off-site and the date and method of such shipment(s). If it has not been shipped off-site, state its current location and explain why it has not been shipped off-site.
  - h. If the material was shipped off-site, provide copies of all bills of lading, manifests (including but not limited to hazardous waste manifests), shipping invoices, and LDR notices and certifications that accompanied and/or refer to each off-site shipment of this waste.
  - i. Did the facility include the tote described above, labeled as HW "CML Waste" and dated 7/13/16 (Photos 48 & 49), in its weekly inspections of HW storage areas? If so, please submit copies of any associated inspection logs covering this tote for the period of 7/13/16 to either: the date of your receipt of this letter, or to the date when this tote was moved to the facility's primary Less-Than-90-Day HW storage area, or to the date when it was sent offsite for disposal, whichever would apply.
7. During a review of the facility's records, the inspectors observed Manifest #008956026FLE, which described a 10/15/15 shipment of 3,356 gallons of "Waste Sodium Hydroxide Solution (Chromium, Lead)" with waste codes D002, D007, & D008, sent to Northland Environmental (EPA ID#RID040098352). However, on the associated Land Disposal and Restriction (LDR) form only the D002 waste code was shown for this waste. Additionally, Manifest #008208884FLE for a 5/4/15 shipment of 3,824 gallons of similarly-described waste going to the same treatment, storage and disposal facility (TSD), assigned the waste codes D002, D007 & D008, but the LDR form showed only D002. Please explain these discrepancies.
8. Manifest #007549024FLE was found to describe a 1/19/15 shipment to Cycle Chem, Inc. including four drums of "Waste Paint Related Material" with waste codes D001, D035, F003 and F005; one drum of "Waste Paint" with code D001; and four drums of "Non-Hazardous, Non-Regulated Liquids (Lab Buffers)." Those were the only items listed on the manifest as signed by your facility and the transporter on 1/19/15. The copy signed by the TSD on 1/23/15, however, included an additional item described as three drums of "Waste corrosive liquid acidic organic nos (phosphoric acid solution)" with waste code D002. Regarding this manifest, please explain why the TSD-signed manifest copy shows different wastes than the facility's original copy.
9. Also regarding Manifest #007549024FLE, no LDR form was found relating to the wastes it described. Additionally, no LDR form was found for Manifest #006828180FLE, which showed a 3/4/14 shipment of "Waste Paint related material" with EPA waste codes D001,



D018, D035, D039, F003, and F005, going to Tier Environmental, LLC. Regarding each of these wastes, please provide the following information:

- a. At the time of the inspection was the facility retaining an LDR form pertaining to these wastes? If so, please submit a copy of the form(s).
  - b. If the facility was not retaining such a copy, has an LDR form for these wastes been obtained since the date of the inspection? If so, please submit a copy of this form and state the date when it was obtained by the facility.
10. In reviewing the facility's HW manifests, it was noted that in 2013, nine shipments of HW were found which, when approximate weights were added for all HW shipments, totaled at least 100,000 kilograms. Similarly in 2015, ten shipments of HW added up to a sum of approximately 69,000 kilograms. Dividing each of these totals by twelve months gives averages of over 8,000 kilograms per month and over 5,000 kilograms per month, respectively. Both of these amounts would appear to place the facility into Large Quantity Generator (LQG) status for at least several months during each of those years, yet the facility did not notify as a LQG until 2/25/16. Regarding the facility's generation status, please provide the following information:
- a. Has the facility calculated monthly HW generation amounts for each month of the years 2013 and 2015? If so, please submit documentation of such calculations.
  - b. For each month of 2013 and 2015, please state the facility's generator status at that time, and submit any information which may corroborate the facility's status determination.
  - c. If the facility believes it qualified as a LQG at any time prior to its 2/25/16 report, please explain why this was not previously reported.
11. Although the facility maintains inspection logs of its primary Less-Than-90-Day HW storage area, at the time of the inspection no logs were found prior to 2/5/16. Additionally, for the period of 2/12/16 through 9/14/16, the following weeks appeared to be missing logs:

Date of documented inspection	Date of next documented inspection	Weeks missed btwn inspection dates
8/30/16	9/14/16	1
8/2/16	8/30/16	3
7/18/16	8/2/16	1
7/5/16	7/18/16	1
6/10/16	7/5/16	3
4/1/16	6/10/16	9
3/14/16	4/1/16	1
3/2/16	3/14/16	1
2/12/16	3/2/16	2

For each of the time periods included on the above table, as well as for each week during the period of 12/1/11 to 2/5/16, please provide the following:

- a. State whether or not an inspection of the facility's HW storage area was conducted.
  - b. If an inspection was conducted, please state the date the inspection was conducted and provide the log for the inspection; or if a log is not available, please state why.
  - c. If an inspection was not conducted, please state why.
12. It was noted during the inspection that the facility was in the middle of having a revised Contingency Plan finalized. Has the new plan been finalized? If so, please state the date of finalization and submit a copy. If not, please state why the plan has not been finalized.
13. Regarding the facility's RCRA training program, please provide the following:
- a. At the time of the inspection, was the facility maintaining a list of employees with hazardous waste management responsibilities, along with their job titles and descriptions, and the type of training to be provided, as described in 40 C.F.R. § 265.16(d)(1)-(3)? If so, please submit such documentation. If the facility has developed such documentation since the date of the inspection, please state the date the document(s) were generated and provide copies.
  - b. For each employee required to undergo RCRA training, has the facility provided initial and annual refresher RCRA training for the years 2011-2015? If so, please provide documentation of such training for each year and each employee. In addition to those employees actually handling hazardous waste, the facility should include those employees who sign hazardous waste manifests on behalf of the facility, as well as those listed as Emergency Coordinators in the facility's Contingency Plan. For any year within that time period that the facility believes it did not qualify as a LQG at any time during the year, please specify which year(s) and provide an explanation as to why the facility believes it was not an LQG.
14. Did the facility submit a Biennial Report to the Pennsylvania Department of Environmental Protection (PADEP) in 2014, as described in 40 C.F.R. § 262.41, covering the year 2013? If so, please submit a copy of the report and state the date it was originally submitted to PADEP. If not, please state why.

The provisions of Section 3008 of RCRA, 42 U.S.C. § 6928, authorize EPA to pursue penalties for failure to comply with or respond adequately to an information request under Section 3007(a) of RCRA. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001. The information you provide may be used by EPA in administrative, civil or criminal proceedings. **Your response must include the signed and dated certification found on the final page of this**



**letter.**

With regard to the Small Business Regulatory Enforcement and Fairness Act ("SBREFA"), please see the "Information for Small Businesses" memo, enclosed, which might be applicable to your facility. This enclosure provides information on contacting the SBREFA Ombudsman to comment on federal enforcement and compliance activities and also provides information on compliance assistance. As noted in the enclosure, any decision to participate in such program or to seek compliance assistance does not relieve your facility of its obligation to respond in a timely manner to an EPA request or other enforcement action, create any rights or defenses under law, and will not affect EPA's decision to pursue an enforcement action. To preserve your facility's legal rights, you must comply with all rules governing the administrative enforcement process. The Ombudsman and fairness boards do not participate in the resolution of EPA's enforcement actions. EPA has not made a determination as to whether or not your facility is covered by SBREFA.

Your facility is entitled to assert a claim of business confidentiality covering any part or all of the information submitted, in a manner described in 40 C.F.R. § 2.203(b). Information subject to a claim of business confidentiality will be made available to the public only in accordance with 40 C.F.R. Part 2, Subpart B. Unless a claim of business confidentiality is asserted at the time the requested information is submitted, EPA may make this information available to the public without further notice to your facility.

This request for information is not subject to review by the Office of Management and Budget pursuant to the Paperwork Reduction Act, 44 U.S.C. §§ 3501-3520.

Please send your response to:

Martin Matlin (3LC70)  
U.S. Environmental Protection Agency  
Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029

If you have any questions concerning this matter, please contact Mr. Matlin at (215) 814-5789.

Sincerely,

A handwritten signature in cursive script that reads "Carol Amend".

Carol Amend, Associate Director  
Land and Chemicals Division  
Office of Land Enforcement

Enclosures

cc: Martin Matlin (3LC70) w/o enc.  
Pauline Belgiovane (3LC70)



**CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION**

I certify that the information contained in this response to EPA's request for information and the accompanying documents is true, accurate and complete. As to the identified portions of this response for which I cannot personally verify their accuracy, I certify under penalty of law that this response and all attachments were prepared in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

\_\_\_\_\_  
NAME (print or type)

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

